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BY ECF & REGULAR MAIL

Hon. Frederic Block, Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S.A. v. Daniel Perez Alonso
Cr. No. 04 CR 140 (FB)

Dear Judge Block:

This letter is respectfully submitted in connection with the sentencing of defendant Daniel Perez Alonso, which is currently scheduled to take place before your Honor on February 10, 2006, at 2:30 p.m.

In light of the Supreme Court's recent decision in **United States v. Booker/Fanfan** and the Second Circuit's decision in **United States v. Crosby**, 397 F.3d 103 [2d Cir. 2005], which eliminated the mandatory nature of the sentencing guidelines, it is urged that this Court exercise its newly granted discretion and impose a reasonable non-guidelines sentence that takes into consideration all of the mitigating facts and circumstances present in this case.

Furthermore, **Booker/Fanfan** held that Judges must consider all of the factors outlined in 18 U.S.C. § 3553(a), and the guidelines are merely one factor to be considered together with all of the other relevant sentencing factors outlined in said section. It is respectfully requested that the Court consider Mr. Alonso's family history, in that he is married, supports his wife and two children and is a devoted father. In addition, the defendant has no prior criminal history, since this is his first criminal conviction.

Although the defendant rejected the plea agreement wherein he would have received a much lower sentence, the Court should consider that Mr. Alonso, by pleading guilty before the actual trial started, saved the Government an enormous amount of time and expense and he did not subject the victims in this case to the harrowing experience of having to testify and be subject to cross examination.

It is further submitted, that the defendant objects to being classified as a manager, since the level of his criminal activity in this case is inadequate to establish by a preponderance of evidence that he was a manager.

Based on all of the aforesaid, it is urged that your Honor exercise reasonable discretion in sentencing Mr. Alonso to a substantially lower sentence than the advisory guideline range which is unduly harsh and inappropriate as to this defendant, pursuant to **Booker/Fanfan** and **Crosby**.

Respectfully yours,

Allen Lashley

AL/bj

cc: AUSA Monica Ryan, Esq.

Mark Gjelaj, Senior U.S. Prob. Officer

